

REMARKS

Claim 61-69 are currently under consideration. Claims 62, 63, 66, and 67 have been amended to more particularly point out one embodiment of Applicants' invention. Support for the amendments can be found throughout the specification. In particular, support for "at least" 90-95% can be found for example, at page 10, lines 15-17. No new matter has been added. Applicants acknowledge that the enablement and written description rejections under 35 U.S.C. § 112, first paragraph have been withdrawn in light of Applicants' arguments. Applicants thank the Examiner for acknowledging that claim 64 is allowed. Reconsideration of the application is respectfully requested in view of the following remarks.

***Rejections under 35 U.S.C. § 102(a)***

Claims 61-63 and 65-69 stand rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by WO 98/45328 (October 15, 1998). In particular, the Action contends that the polypeptide listed on the GenCore database sheet is identical to Applicants' SEQ ID NO:299.

Applicants respectfully traverse the rejection and submit that the cited reference does not teach or suggest each and every element of the claimed invention. In particular, the polypeptide set forth in SEQ ID NO:299 is not disclosed in the cited reference. As noted in Section 3 of the Action (Priority), the limitation of the polypeptide set forth in SEQ ID NO:299 is first disclosed in U.S. Application No. 09/289,198, filed April 9, 1999. The latest priority claim of WO 98/45328 is to an application in the same family as, but filed in the U.S. prior to, the 09/289,198 application. Therefore, WO 98/45328 also does not disclose the polypeptide set forth in SEQ ID NO:299. What is disclosed in the WO 98/45328 application is SEQ ID NO:292, the reverse complement of the DNA sequence that encodes SEQ ID NO:299, as shown on the GenCore sheet. The amino acid sequence of SEQ ID NO:299 is not disclosed in 98/45328 nor is there any teaching of any amino acid sequence encoded by SEQ ID NO:292. Accordingly, Applicants submit that the cited reference does not teach or suggest the polypeptide of SEQ ID NO:299 and therefore, the reference does not anticipate the claimed subject matter. Applicants respectfully request withdrawal of the rejection under section 35 U.S.C. § 102(a).

Application No. 09/534,825  
Reply to Office Action dated June 4, 2003

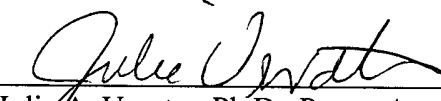
The Commissioner is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Applicants respectfully submit that all the claims remaining in the application are now believed allowable. Favorable reconsideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

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